

**UNITED STATES OF AMERICA  
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**CHAIRMAN:**  
Judge Wm. Terrell Hodges  
United States District Court  
Middle District of Florida

**MEMBERS:**  
Judge D. Lowell Jensen  
United States District Court  
Northern District of California

Judge J. Frederick Motz  
United States District Court  
District of Maryland

Judge Robert L. Miller, Jr.  
United States District Court  
Northern District of Indiana

Judge Kathryn H. Vratil  
United States District Court  
District of Kansas

Judge David R. Hansen  
United States Court of Appeals  
Eighth Circuit

Judge Anthony J. Scirica  
United States Court of Appeals  
Third Circuit

**DIRECT REPLY TO:**

Jeffery N. Lüthi  
Clerk of the Panel  
One Columbus Circle, NE  
Thurgood Marshall Federal  
Judiciary Building  
Room G-255, North Lobby  
Washington, D.C. 20002

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<http://www.jpml.uscourts.gov>

October 17, 2006

**NOTICE OF HEARING SESSION**

Dear Counsel:

Pursuant to the order of the Judicial Panel on Multidistrict Litigation filed today, you are hereby notified that a hearing session has been scheduled to consider various matters pursuant to 28 U.S.C. § 1407.

**DATE OF HEARING SESSION:** November 30, 2006

**LOCATION OF HEARING SESSION:** Thomas F. Eagleton United States Courthouse  
Ceremonial Courtroom, 28th Floor  
111 South Tenth Street  
St. Louis, Missouri 63102

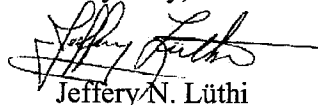
**TIME OF HEARING SESSION:** In those matters designated for oral argument, counsel presenting oral argument must be present at **8:30 a.m.** in order for the Panel to allocate the amount of time for oral argument. Oral argument will commence at **9:30 a.m.**

Please direct your attention to the enclosed Hearing Session Order and Schedule of Matters for Hearing Session for a listing of the matters scheduled for consideration at this hearing session.

- Section A of this Schedule lists the matters designated for oral argument.
- Section B of this Schedule lists the matters that the Panel has determined to consider **without oral argument**, pursuant to Rule 16.1(c), R.P.J.P.M.L., 199 F.R.D. 425, 439 (2001).

For those matters listed on Section A of the Schedule, the enclosed blue "Notice of Presentation or Waiver of Oral Argument" must be returned to this office no later than **November 13, 2006**. Note the procedures governing Panel oral argument which are outlined on the enclosed "Procedures for Oral Argument before the Judicial Panel on Multidistrict Litigation." These procedures are strictly adhered to and your cooperation is appreciated.

Very truly,



Jeffery N. Lüthi  
Clerk of the Panel

c: Clerk, U.S. District Court for the Eastern District of Missouri

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION  
FILED

OCTOBER 17, 2006

JEFFERY N. LÜTHI  
CLERK OF THE PANEL

***BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION***

***WM. TERRELL HODGES, CHAIRMAN, D. LOWELL JENSEN, J.  
FREDERICK MOTZ, ROBERT L. MILLER, JR., KATHRYN H. VRATIL,  
DAVID R. HANSEN AND ANTHONY J. SCIRICA, JUDGES OF THE  
PANEL***

**HEARING SESSION ORDER**

IT IS ORDERED that on November 30, 2006, a hearing session will be held in St. Louis, Missouri, to consider the matters on the attached Schedule under 28 U.S.C. § 1407.

IT IS FURTHER ORDERED that at said hearing session the Panel may, on its own initiative, consider transfer of any or all of the actions in those matters to any district or districts.

IT IS FURTHER ORDERED that at said hearing session the matters listed on Section A of the attached Schedule shall be designated for oral argument.

IT IS FURTHER ORDERED that at said hearing session the matters listed on Section B of the attached Schedule shall be considered without oral argument, pursuant to Rule 16.1(c), R.P.J.P.M.L., 199 F.R.D. 425, 439 (2001). The Panel reserves the prerogative, on any basis including submissions of parties pursuant to Panel Rule 16.1(b), to issue a subsequent notice designating any of those matters for oral argument.

IT IS FURTHER ORDERED that the Clerk of the Judicial Panel on Multidistrict Litigation shall direct notice of this hearing session to counsel for all parties involved in the matters on the attached Schedule.

FOR THE PANEL:



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Wm. Terrell Hodges  
Chairman

SCHEDULE OF MATTERS FOR HEARING SESSION  
November 30, 2006 -- St. Louis, Missouri

**SECTION A**  
**MATTERS DESIGNATED FOR ORAL ARGUMENT**

MDL-1798 -- In re Long-Distance Telephone Service Federal Excise Tax Refund Litigation

Motion of plaintiff Neiland Cohen for centralization of the following actions in the United States District Court for the Eastern District of Wisconsin:

Central District of California

*Oscar Gurrola, et al. v. United States of America, et al.*, C.A. No. 2:06-3425

District of District of Columbia

*Virginia Sloan, et al. v. United States of America*, C.A. No. 1:06-483

Court of Federal Claims

*Radioshack Corp. v. United States of America*, C.A. No. 1:06-28

Eastern District of Wisconsin

*Neiland Cohen v. United States of America*, C.A. No. 2:05-1237

Schedule of Matters for Hearing Session, Section A  
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MDL-1799 -- In re Vonage Initial Public Offering (IPO) Securities Litigation

Motion of defendants Citigroup Global Markets, Inc.; Deutsche Bank Securities, Inc.; UBS Securities LLC; Bear Stearns & Co., Inc.; Piper Jaffray & Co.; and Thomas Weisel Partners LLC for centralization of the following actions in a single United States district court:

District of New Jersey

*Roy Bradley Lang, III v. Vonage Holdings Corp., et al.*, C.A. No. 3:06-2500  
*Kevin Gibbons v. Vonage Holdings Corp., et al.*, C.A. No. 3:06-2531  
*Sherwin Newborn v. Vonage Holdings Corp., et al.*, C.A. No. 3:06-2631  
*Douglas M. Werman v. Vonage Holdings Corp., et al.*, C.A. No. 3:06-2634  
*Marvin Wong, et al. v. Vonage Holdings Corp., et al.*, C.A. No. 3:06-2666  
*Susana Shafir v. Vonage Holdings Corp., et al.*, C.A. No. 3:06-2735  
*Michael Haber v. Vonage Holdings Corp., et al.*, C.A. No. 3:06-2765  
*Marc Weinberg v. Vonage Holdings Corp., et al.*, C.A. No. 3:06-2773  
*Jitendra Bansal v. Vonage Holdings Corp., et al.*, C.A. No. 3:06-2961  
*Moses Greenfield v. Vonage Holdings Corp., et al.*, C.A. No. 3:06-3023  
*Mark Goldman v. Vonage Holdings Corp., et al.*, C.A. No. 3:06-3032  
*Navaid Alam v. Vonage Holdings Corp., et al.*, C.A. No. 3:06-3039  
*Eric Bernath v. Vonage Holdings Corp., et al.*, C.A. No. 3:06-3066  
*Steven R. Norsworthy v. Vonage Holdings Corp., et al.*, C.A. No. 3:06-3192  
*Albert So v. Vonage Holdings Corp., et al.*, C.A. No. 3:06-3237

Eastern District of New York

*Marc Rovner v. Vonage Holdings Corp., et al.*, C.A. No. 1:06-3403

MDL-1800 -- In re Michael L. Buesgens Litigation

Motion of plaintiff Michael L. Buesgens for centralization of the following actions in the United States District Court for the District of Columbia:

District of Columbia

*Michael L. Buesgens v. United States of America, et al.*, C.A. No. 1:06-1558

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MDL-1800 (Continued)

Western District of Texas

*Michael L. Buesgens v. John W. Snow*, C.A. No. 1:05-243

*Michael L. Buesgens v. Falcon Ridge Apartments, et al.*, C.A. No. 1:06-226

MDL-1801 -- In re BP Products North America, Inc., Antitrust Litigation

Motion of plaintiff Craig Ridgway for centralization of the following actions in the United States District Court for the Western District of Oklahoma:

Northern District of Illinois

*Richard Dennison, et al. v. BP Products North America, Inc., et al.*, C.A. No. 1:06-3541

*Donald Terry, et al. v. BP Products North America, Inc.*, C.A. No. 1:06-3551 Myles

*Levin v. BP Products North America, Inc.*, C.A. No. 1:06-3570

*Schagringas Co. v. BP Products North America, Inc., et al.*, C.A. No. 1:06-3621

*Michael Withum v. BP Products North America, Inc.*, C.A. No. 1:06-3744

*Deborah Cassells, et al. v. BP Products North America, Inc., et al.*, C.A. No. 1:06-3837

*Styer Propane, LLC v. BP Products North America, Inc.*, C.A. No. 1:06-3871

Southern District of New York

*Thomas Fullam, et al. v. BP Products North America, Inc.*, C.A. No. 1:06-5092

Western District of Oklahoma

*Craig Ridgway v. BP Products North America, Inc.*, C.A. No. 5:06-765

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MDL-1802 -- In re Merrill Lynch Wage and Hour Employment Practices Litigation

Motion of defendant Merrill Lynch, Pierce, Fenner & Smith, Inc., for centralization of the following actions in the United States District Court for the Southern District of New York:

District of New Jersey

*David Bachrach v. Merrill Lynch, Pierce, Fenner & Smith, Inc.*, C.A. No. 2:06-2786

Eastern District of New York

*Anthony Palumbo, et al. v. Merrill Lynch, Pierce, Fenner & Smith, Inc.*,

C.A. No. 2:06-2104

*Andrea Loughlin, et al. v. Merrill Lynch, Pierce, Fenner & Smith, Inc.*,

C.A. No. 2:06-2835

Eastern District of Pennsylvania

*Edward France v. Merrill Lynch, Pierce, Fenner & Smith, Inc.*, C.A. No. 2:06-782

Eastern District of Washington

*Edward C. Reinhart v. Merrill Lynch, Pierce, Fenner & Smith, Inc.*,

C.A. No. 2:06-3038

MDL-1803 -- In re Banc of America Investment Services, Inc., Overtime Pay

Motion of plaintiffs Irene Sinow, et al., and Ina C. Fryer for centralization of the following actions in the United States District Court for the Southern District of New York:

Central District of California

*James Karim, et al. v. Banc of America Investment Services, Inc.*, C.A. No. 8:06-167

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MDL-1803 (Continued)

Northern District of California

*Irene Sinow, et al. v. Banc of America Investment Services, Inc., et al.*,  
C.A. No. 3:06-4466

Eastern District of New York

*Ina C. Fryer v. Banc of America Investment Services, Inc., et al.*, C.A. No. 2:06-2664

Southern District of New York

*Dante DiFrancesco v. Banc of America Investment Services, Inc., et al.*,  
C.A. No. 1:05-9749

MDL-1804 -- In re Stand 'n Seal Products Liability Litigation

Motion of defendants Roanoke Companies Group, Inc.; Home Depot U.S.A., Inc.; Innovative Chemical Technologies, Inc.; Aerofil Technology, Inc.; and SLR, Inc., for centralization of the following actions in the United States District Court for the Northern District of Iowa, or in the alternative, the United States District Court for the Northern District of Georgia:

District of Colorado

*Erika Wong v. Roanoke Companies Group, Inc., et al.*, C.A. No. 1:06-1485

Middle District of Florida

*Emily Willis, etc. v. Home Depot U.S.A., Inc., et al.*, C.A. No. 8:06-745

Southern District of Florida

*Gerald Williams v. Roanoke Companies Group, Inc., et al.*, C.A. No. 0:06-60926

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MDL-1804 (Continued)

Northern District of Georgia

*James Flynn, et al. v. Roanoke Companies Group, Inc., et al.*, C.A. No. 1:06-1809

Northern District of Iowa

*Patricia Kayser, etc. v. Home Depot U.S.A., Inc., et al.*, C.A. No. 2:06-1006

Western District of Kentucky

*Colby Norris v. Color Caulk, et al.*, C.A. No. 1:06-89

*Michael Lenhart v. Roanoke Companies Group, Inc., et al.*, C.A. No. 3:06-383

Eastern District of New York

*Christopher Szczepanski, et al. v. Roanoke Companies Group, Inc., et al.*,  
C.A. No. 2:06-3213

Western District of Texas

*Katherine Stolte v. Roanoke Companies Group, Inc., et al.*, C.A. No. 5:05-1013

*David Koehler, et al. v. Roanoke Companies Group, Inc., et al.*, C.A. No. 5:06-556

*Julia C. Lilley v. Roanoke Companies Group, Inc., et al.*, C.A. No. 5:06-643

MDL-1805 -- In re Agfa Corp. Photographic Equipment Lease Litigation

Motion of plaintiffs Douglas Vieau, et al., and defendants/third party plaintiffs Richfield One Hour Photo Corporation; Larry Eastman; Linda M. Eastman; and Leaf Funding, Inc., for centralization of the following actions in the United States District Court for the District of Massachusetts:

District of Massachusetts

*Leaf Funding, Inc. v. Donald Bakewell, et al.*, C.A. No. 1:06-10478



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MDL-1805 (Continued)

District of Massachusetts (Continued)

*Leaf Funding, Inc. v. Thomas C. Powell, et al.*, C.A. No. 1:06-10526  
*Leaf Funding, Inc. v. Paula Carroll, et al.*, C.A. No. 1:06-10616  
*Leaf Funding, Inc. v. Westchester Camera Exchange, Inc.*, C.A. No. 1:06-10617  
*Leaf Funding, Inc. v. Paula Carroll, et al.*, C.A. No. 1:06-10710  
*Leaf Funding, Inc. v. Jabak Corp., et al.*, C.A. No. 1:06-10782  
*Douglas Vieau, et al. v. Agfa Corp., et al.*, C.A. No. 1:06-11320

District of Minnesota

*Leaf Funding, Inc. v. Richfield One Hour Photo Corp., et al.*, C.A. No. 0:06-3187

MDL-1806 -- In re Morgan Stanley & Co., Inc., Overtime Pay Litigation (No. II)

Motion of plaintiffs Joseph Stowell, Jr., and Kyle R. Armitage for centralization of the following actions in the United States District Court for the Northern District of Illinois:

District of Connecticut

*Janemarie Lenihan v. Morgan Stanley & Co., Inc., et al.*, C.A. No. 3:06-794

Southern District of Florida

*Jennifer Taub v. Morgan Stanley DW, Inc.*, C.A. No. 0:06-60921

Central District of Illinois

*Joseph Stowell, Jr. v. Morgan Stanley DW, Inc.*, C.A. No. 1:06-1219

District of New Jersey

*Robert Steinberg v. Morgan Stanley & Co., Inc., et al.*, C.A. No. 2:05-4856

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MDL-1806 (Continued)

Eastern District of New York

*Paul Roles v. Morgan Stanley & Co., Inc., et al.*, C.A. No. 2:05-4553

Southern District of New York

*David Andrew Gasman, et al. v. Morgan Stanley*, C.A. No. 1:05-7889

Eastern District of Texas

*Kyle R. Armitage v. Morgan Stanley & Co., Inc.*, C.A. No. 1:06-347

MDL-1807 -- In re Wachovia Securities, LLC, Wage and Hour Litigation

Motion of plaintiffs George Keim, Anthony J. Mooney, and Bruce Barron for centralization of the following actions in the United States District Court for the Northern District of Illinois:

Middle District of Florida

*George Keim v. Wachovia Securities, LLC*, C.A. No. 8:06-1565

Northern District of Illinois

*Anthony J. Mooney v. Wachovia Securities, LLC*, C.A. No. 1:06-4698

District of Minnesota

*Bruce Barron v. Wachovia Securities, LLC*, C.A. No. 0:06-3545

Southern District of New York

*Peter Janowsky v. Wachovia Securities, LLC, et al.*, C.A. No. 1:05-7660

*Jason Goldstein, et. al. v. Prudential Financial, Inc., et al.*, C.A. No. 1:06-7646

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MDL-1807 (Continued)

Western District of New York

*Charles Badain, et. al. v. Wachovia Securities, LLC, et al.*, C.A. No. 6:06-6321

Eastern District of Pennsylvania

*Amir Gauhar, et al. v. Wachovia Securities, LLC*, C.A. No. 2:06-2860

MDL-1808 -- In re Marvel-Schebler Float Carburetor Products Liability Litigation

Motion of defendants Precision Airmotive LLC; Precision Airmotive Corp.; Precision Products LLC; Precision Aviation Products LLC; Precision Aviation Products Corp.; Precision Aerospace Services LLC; Precision Aerospace Corp.; Precision Aerospace Products LLC; and Zenith Fuel Systems, Inc., for centralization of the following actions in the United States District Court for the Middle District of Tennessee:

District of Connecticut

*Edgar Wong v. Precision Airmotive, LLC, et al.*, C.A. No. 3:05-1604

Eastern District of Pennsylvania

*Sabelle Talarigo, etc. v. Precision Airmotive Corp., et al.*, C.A. No. 2:06-2885

*Sabelle Talarigo, etc. v. Precision Airmotive Corp., et al.*, C.A. No. 2:06-2917

Middle District of Tennessee

*Barry E. Yarbrough, et al. v. Avco Corp., et al.*, C.A. No. 3:06-730

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MDL-1809 -- In re Terminix Employment Practices Litigation

Motion of defendant Terminix International Company, Limited Partnership, for centralization of the following actions in a single United States district court:

Central District of California

*Christopher Roy v. Terminix International, Inc., et al.*, C.A. No. 2:06-5761

Northern District of California

*Shiloh Hood v. Terminix International Co., LP*, C.A. No. 4:06-24

MDL-1810 -- In re MERSCORP Inc., et al., Real Estate Settlement Procedures Act (RESPA) Litigation

Motion of plaintiffs Eric Kinney; Justin M. Papian; Victoria L. Robinson; Griffin Stafford; Aimee Haws Pier; Leonard W. Stewart, et al.; Rochelle Knighton; and Onetha Ward for centralization of the following actions in the United States District Court for the Eastern District of Texas:

Western District of Arkansas

*Eric Kinney v. MERSCORP Inc., et al.*, C.A. No. 4:06-4055

Southern District of Iowa

*Justin M. Papian v. Mortgage Electronic Registration Systems, Inc., et al.*,  
C.A. No. 4:06-417

District of Kansas

*Victoria L. Robinson v. MERSCORP Inc., et al.*, C.A. No. 2:06-2402

Western District of Missouri

*Stafford Griffin v. MERSCORP Inc., et al.*, C.A. No. 4:06-790

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MDL-1810 (Continued)

District of Montana

*Aimee Haws Pier v. MERSCORP Inc., et al.*, C.A. No. 9:06-148

District of South Dakota

*Leonard W. Stewart, et al. v. MERSCORP Inc., et al.*, C.A. No. 4:06-4148

Eastern District of Texas

*Rochelle Knighton v. MERSCORP Inc., et al.*, C.A. No. 5:06-78

*Onetha Ward v. MERSCORP Inc., et al.*, C.A. No. 5:06-213

MDL-1811 -- In re LLRice 601 Contamination Litigation

Motion of plaintiffs Lonnie Parson, et al., for centralization of the following actions in the United States District Court for the Eastern District of Arkansas:

Eastern District of Arkansas

*Ephron H. Lewis, et al. v. Bayer CropScience, LP*, C.A. No. 2:06-185

*Gregory Ballman v. Bayer CropScience US, et al.*, C.A. No. 2:06-193

*Frank Binkley v. Bayer CropScience US, et al.*, C.A. No. 3:06-168

*Lonnie Parson, et al. v. Bayer CropScience US, et al.*, C.A. No. 4:06-1078

*Geeridge Farm, Inc., et al. v. Bayer CropScience, LP*, C.A. No. 4:06-1079

*Dennis Brown v. Bayer CropScience US, et al.*, C.A. No. 4:06-1133

*Jim Webb v. Bayer CropScience, LP*, C.A. No. 4:06-1153

Western District of Louisiana

*Joseph W. Deville v. Bayer CropScience, LP*, C.A. No. 6:06-1597

*Leland Vidrine v. Bayer CropScience, LP*, C.A. No. 6:06-1598

*Blane Allen Frey v. Bayer CropScience, LP*, C.A. No. 6:06-1608

*Joey N. Simon, etc. v. Bayer CropScience, LP*, C.A. No. 6:06-1609

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MDL-1811 (Continued)

Eastern District of Missouri

*Billy G. Neel, et al. v. Bayer CropScience US, et al.*, C.A. No. 1:06-121  
*Kenneth Bell, et al. v. Bayer CropScience, LP, et al.*, C.A. No. 1:06-128

MDL-1812 -- In re People's Choice Home Loan, Inc., Prescreening Litigation

Motion of plaintiff Lillie Asbury for centralization of the following actions in the United States District Court for the Northern District of Illinois:

Central District of California

*Rhonda L. Torres v. People's Choice Home Loan, Inc.*, C.A. No. 8:05-1231

Northern District of Illinois

*Lillie Asbury v. People's Choice Home Loan, Inc.*, C.A. No. 1:05-5483

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**SECTION B**  
**MATTERS DESIGNATED FOR CONSIDERATION WITHOUT ORAL ARGUMENT**

MDL-875 -- In re Asbestos Products Liability Litigation (No. VI)

Oppositions of plaintiffs Byron Granier, et al.; Doris Hogston, etc.; and Robert H. Choff, et al., and defendants PACTIV Corp.; Packaging Corp. of America; Daniel Kirkpatrick; and Leslie Flesher to transfer of their respective following actions to the United States District Court for the Eastern District of Pennsylvania:

Eastern District of Louisiana

*Byron Granier, et al. v. Northrop Grumman Ship Systems, Inc., et al.,*  
C.A. No. 2:06-3738

Eastern District of Virginia

*Doris Hogston, etc. v. Allis-Chalmers Corp., et al.,* C.A. No. 3:06-406

Northern District of West Virginia

*Robert H. Choff, et al. v. Crown Beverage Packaging, Inc., et al.,* C.A. No. 1:06-95

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MDL-1373 -- In re Bridgestone/Firestone, Inc., Tires Products Liability Litigation

Opposition of defendants Bridgestone/Firestone North America Tire, LLC, and Ford Motor Company to remand, under 28 U.S.C. § 1407(a), of the following action to the United States District Court for the District of District of Columbia:

Southern District of Indiana

*Center for Auto Safety v. Bridgestone/Firestone, Inc., et al.*, C.A. No. 1:00-5004  
(D. District of Columbia, C.A. No. 1:00-2011)

MDL-1456 -- In re Pharmaceutical Industry Average Wholesale Price Litigation

Oppositions of plaintiff State of Hawaii and defendants Ortho-McNeil Pharmaceutical, Inc., and Johnson & Johnson to transfer of their respective following actions to the United States District Court for the District of Massachusetts:

District of Hawaii

*State of Hawaii v. Abbott Laboratories, Inc., et al.*, C.A. No. 1:06-437

Northern District of Illinois

*United States ex rel. Edward West, et al. v. Ortho-McNeil Pharmaceutical, Inc., et al.*,  
C.A. No. 1:03-8239

MDL-1568 -- In re Parcel Tanker Shipping Services Antitrust Litigation

Opposition of plaintiff Toyota Tsusho Corp., et al., to transfer of the following action to the United States District Court for the District of Connecticut:

Southern District of New York

*Toyota Tsusho Corp., et al. v. Jo Tankers AS, et al.*, C.A. No. 1:06-4630



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MDL-1596 -- In re Zyprexa Products Liability Litigation

Oppositions of plaintiffs Mary Mallard, Patricia Segrest, and Charles O. Crowder to transfer of their respective following actions to the United States District Court for the Eastern District of New York:

Middle District of Alabama

*Mary Mallard v. Eli Lilly & Co., et al.*, C.A. No. 2:06-481  
*Patricia Segrest v. Eli Lilly & Co., et al.*, C.A. No. 2:06-542

Northern District of Alabama

*Charles O. Crowder v. Eli Lilly & Co., et al.*, C.A. No. 2:06-1321

MDL-1598 -- In re Ephedra Products Liability Litigation

Opposition of plaintiffs Kelly Longoria, et al., to transfer of the following action to the United States District Court for the Southern District of New York:

Southern District of California

*Kelly Longoria, et al. v. MII Liquidation, Inc.*, C.A. No. 3:06-858

MDL-1629 -- In re Neurontin Marketing, Sales Practices and Products Liability Litigation

Opposition of plaintiffs Blue Cross & Blue Shield of Alabama, et al., to transfer of the following action to the United States District Court for the District of Massachusetts:

Middle District of Alabama

*Blue Cross & Blue Shield of Alabama, et al. v. Pfizer Inc., et al.*, C.A. No. 2:06-524

Schedule of Matters for Hearing Session, Section B  
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MDL-1635 -- In re Dollar General Corp. Fair Labor Standards Act Litigation

Motion of plaintiffs Alicia Moldoon, et al., for transfer of the following action to the United States District Court for the Northern District of Alabama:

Western District of Louisiana

*Alicia Moldoon, et al. v. Dolgencorp, Inc., et al.*, C.A. No. 2:05-852

MDL-1643 -- In re Educational Testing Service PLT 7-12 Test Scoring Litigation

Opposition of plaintiff Brooks Pursley to transfer of the following action to the United States District Court for the Eastern District of Louisiana:

Southern District of Ohio

*Brooks Pursley v. Educational Testing Service*, C.A. No. 1:06-506

MDL-1657 -- In re Vioxx Marketing, Sales Practices and Products Liability Litigation

Oppositions of plaintiffs to transfer of their respective following actions to the United States District Court for the Eastern District of Louisiana:

Middle District of Alabama

*Rosie Russaw, etc. v. Merck & Co., Inc., et al.*, C.A. No. 2:06-557

Northern District of Alabama

*Betty Whitehead, etc. v. Merck & Co., Inc., et al.*, C.A. No. 2:06-1279

Northern District of California

*Edward Schwartz v. Merck & Co., Inc., et al.*, C.A. No. 3:06-4180

*Patrick E. Murphy v. Merck & Co., Inc., et al.*, C.A. No. 4:06-4794

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MDL-1657 (Continued)

Northern District of Florida

*Anita Davis v. Merck & Co., Inc., et al.*, C.A. No. 4:06-356

Southern District of Illinois

*Barbara Heet, et al. v. Merck & Co., Inc., et al.*, C.A. No. 3:06-514

Eastern District of Missouri

*Vivian Copher, et al. v. Merck & Co., Inc., et al.*, C.A. No. 4:06-1185

*Inez Kincaid, et al. v. Merck & Co., Inc., et al.*, C.A. No. 4:06-1186

*Richard Helton, et al. v. Merck & Co., Inc., et al.*, C.A. No. 4:06-1187

*Minnie Smith, et al. v. Merck & Co., Inc., et al.*, C.A. No. 4:06-1196

District of Nevada

*John James Mangani v. Merck & Co., Inc., et al.*, C.A. No. 2:06-914

*Kathie Bartlett, et al. v. Merck & Co., Inc., et al.*, C.A. No. 3:06-359

MDL-1663 -- In re Insurance Brokerage Antitrust Litigation

Opposition of plaintiff Heritage Corp. of South Florida to transfer of the following action to the United States District Court for the District of New Jersey:

Southern District of Florida

*Heritage Corp. of South Florida v. National Union Fire Insurance Co. of Pittsburgh, PA, et al.*, C.A. No. 1:06-20169

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MDL-1672 -- In re Express Scripts, Inc., Pharmacy Benefits Management Litigation

Opposition of defendant BeneCard Services, Inc., to transfer of the following action to the United States District Court for the Eastern District of Missouri:

Eastern District of Pennsylvania

*Philadelphia Corp. for Aging v. BeneCard Services, Inc., et al.*, C.A. No. 2:06-2331

MDL-1699 -- In re Bextra and Celebrex Marketing, Sales Practices and Products Liability Litigation

Opposition of plaintiffs Wayne Adamson, et al., to transfer of the following action to the United States District Court for the Northern District of California:

Eastern District of Missouri

*Wayne Adamson, et al. v. Pfizer Inc., et al.*, C.A. No. 4:06-1201

MDL-1708 -- In re Guidant Corp. Implantable Defibrillators Products Liability Litigation

Oppositions of plaintiffs to transfer of their respective following actions to the United States District Court for the District of Minnesota:

Central District of California

*Gustavo Covarrubias Barriga v. Guidant Corp., et al.*, C.A. No. 2:06-5113

*Angelo Roberts v. Guidant Corp., et al.*, C.A. No. 2:06-5114

*William J. Frayer v. Guidant Corp., et al.*, C.A. No. 2:06-5178

*Rex Dill, etc. v. Guidant Corp., et al.*, C.A. No. 5:06-909

*Dina Smith-Toscano v. Guidant Corp., et al.*, C.A. No. 8:06-753

*Perry Johnson v. Guidant Corp., et al.*, C.A. No. 8:06-754

*Pearl M. Russo v. Guidant Corp., et al.*, C.A. No. 8:06-766

*James Austin Smith v. Guidant Corp., et al.*, C.A. No. 8:06-767

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MDL-1708 (Continued)

Northern District of California

*Einar Nelsen, etc. v. Guidant Corp., et al.*, C.A. No. 3:06-5170  
*Francis McConville, et al. v. Guidant Corp., et al.*, C.A. No. 4:06-5151

District of Kansas

*Michele Shannon v. Jesus Val Mejias, M.D., et al.*, C.A. No. 6:06-1191

District of New Mexico

*Jo Ann Oakes v. Larry Tibbetts, et al.*, C.A. No. 1:06-732  
*Mamuel P. Wood, et al. v. Larry Tibbetts, et al.*, C.A. No. 1:06-733  
*Robin Simpson v. Larry Tibbetts, et al.*, C.A. No. 6:06-734

MDL-1715 -- In re Ameriquest Mortgage Co. Mortgage Lending Practices Litigation

Oppositions of plaintiffs Dean D. Hines, et al.; James Scott, III; Evelyn Vazquez; and Jerry Morehouse, et al., to transfer of their respective following actions to the United States District Court for the Northern District of Illinois:

Northern District of Georgia

*Dean D. Hines, et al. v. Ameriquest Mortgage Co.*, C.A. No. 4:06-133

Western District of Michigan

*James Scott, III v. Ameriquest Mortgage Co., et al.*, C.A. No. 1:06-422

Eastern District of New York

*Evelyn Vazquez v. Ameriquest Mortgage Co.*, C.A. No. 1:05-5983

Eastern District of Texas

*Jerry Morehouse, et al. v. Ameriquest Mortgage Co.*, C.A. No. 9:05-75

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MDL-1718 -- In re Ford Motor Co. Speed Control Deactivation Switch Products Liability  
Litigation

Oppositions of plaintiffs J.G. Rowe, Inc.; Earl Mohlis, et al.; State Farm Mutual Automobile Insurance Company, et al.; Dean Richard, et al.; Cathy Andrews; and David DiPietro, et al., to transfer of their respective following actions to the United States District Court for the Eastern District of Michigan:

Northern District of Georgia

*J.G. Rowe, Inc. v. Ford Motor Co.*, C.A. No. 1:05-3049

Northern District of Iowa

*Earl Mohlis, et al. v. Ford Motor Co., et al.*, C.A. No. 6:06-2013

Eastern District of Louisiana

*State Farm Mutual Automobile Insurance Co., et al. v. Ford Motor Co.*,  
C.A. No. 2:05-5710  
*Dean Richard, et al. v. Ford Motor Co.*, C.A. No. 2:06-3528

Southern District of Mississippi

*Cathy Andrews v. Ford Motor Co.*, C.A. No. 5:06-19

District of South Carolina

*David DiPietro, et al. v. Ford Motor Co.*, C.A. No. 2:06-1482

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MDL-1726 -- In re Medtronic, Inc., Implantable Defibrillators Products Liability Litigation

Opposition of plaintiff Edward D. Spierer to transfer of the following action to the United States District Court for the District of Minnesota:

Southern District of Florida

*Edward D. Spierer v. Medtronic, Inc., et al.*, C.A. No. 9:06-80599

MDL-1742 -- In re Ortho Evra Products Liability Litigation

Oppositions of plaintiffs Chiquita L. McKinnes and Willie Mae Pugh to transfer of their respective following actions to the United States District Court for the Northern District of Ohio:

Middle District of Alabama

*Chiquita L. McKinnes v. Johnson & Johnson, Inc., et al.*, C.A. No. 2:06-550  
*Willie Mae Pugh v. Johnson & Johnson, Inc., et al.*, C.A. No. 2:06-551

MDL-1763 -- In re Human Tissue Products Liability Litigation

Oppositions of plaintiffs Richard Castello, et al., and Adeeb Yousif, et al., to transfer of their respective following actions to the United States District Court for the District of New Jersey:

Northern District of Illinois

*Richard Castello, et al. v. BioMedical Tissue Services, Ltd., et al.*, C.A. No. 1:06-3931  
*Adeeb Yousif, et al. v. BioMedical Tissue Services, Ltd., et al.*, C.A. No. 1:06-3947

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MDL-1778 -- In re Ocean Financial Corp. Prescreening Litigation

Oppositions of defendants Countrywide Home Loans, Inc., and Homeowners Loan Corporation to transfer of the following action to the United States District Court for the Northern District of Illinois:

Eastern District of Missouri

*Clayton R. Poehl v. Countrywide Home Loans, Inc., et al.*, C.A. No. 4:06-928

MDL-1785 -- In re Bausch & Lomb Inc. Contact Lens Solution Products Liability Litigation

Oppositions of plaintiffs Joan Shallcross; Theresa Dekle, et al.; Yomaira Santiago; Steven Samure, et al.; Anthony Raffin, et al.; and Judy N. Barnett, and defendant Wal-Mart Stores, Inc., to transfer of their respective following actions to the United States District Court for the District of South Carolina:

Southern District of California

*Tina Whitten v. Bausch & Lomb, Inc., et al.*, C.A. No. 3:06-1105

Middle District of Florida

*Joan Shallcross v. Bausch & Lomb, Inc., et al.*, C.A. No. 2:06-325

Southern District of Florida

*Theresa Dekle, et al. v. Bausch & Lomb, Inc., et al.*, C.A. No. 0:06-60959

Eastern District of New York

*Yomaira Santiago v. Bausch & Lomb, Inc.*, C.A. No. 1:06-3166

Northern District of New York

*Steven Samure, et al. v. Bausch & Lomb, Inc.*, C.A. No. 5:06-799



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MDL-1785 (Continued)

Northern District of Ohio

*Anthony Raffin, et al. v. Bausch & Lomb, Inc.*, C.A. No. 1:06-1426

Western District of Tennessee

*Judy N. Barnett v. Thomas A. Currey, O.D., et al.*, C.A. No. 2:06-2321

MDL-1786 -- In re H&R Block, Inc., Express IRA Marketing Litigation

Opposition of plaintiff Lynn Kohan to transfer of the following action to the United States District Court for the Western District of Missouri:

District of District of Columbia

*Lynn Kohan v. H&R Block, Inc., et al.*, C.A. No. 1:06-1066

MDL-1791 -- In re National Security Agency Telecommunications Records Litigation

Oppositions of plaintiffs Claudia Mink; Virginia Shubert, et al.; Center for Constitutional Rights, et al.; and Al-Haramain Islamic Foundation, Inc., et al., to transfer of their respective following actions to the United States District Court for the Northern District of California:

Eastern District of Missouri

*Claudia Mink v. AT&T Communications of the Southwest, Inc., et al.*,  
C.A. No. 4:06-1113

Eastern District of New York

*Virginia Shubert, et al. v. George W. Bush, et al.*, C.A. No. 1:06-2282

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MDL-1791 (Continued)

Southern District of New York

*Center for Constitutional Rights, et al. v. George W. Bush, et al.*, C.A. No. 1:06-313

District of Oregon

*Al-Haramain Islamic Foundation, Inc., et al. v. George W. Bush, et al.*,  
C.A. No. 3:06-274

PROCEDURES FOR ORAL ARGUMENT BEFORE THE  
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

All oral argument is governed by the provisions of Rule 16.1 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation (effective April 2, 2001). Rule 16.1(g) allows a maximum of twenty minutes for oral argument in each matter. In most cases, however, less time is necessary for the expression of all views and the Panel reserves the prerogative of reducing the time requested by counsel. Accordingly, counsel should be careful not to overstate the time requested for oral argument.

The Panel insists that counsel limit all oral argument to the appropriate criteria. See generally In re "East of the Rockies" Concrete Pipe Antitrust Cases, 302 F. Supp. 244, 255-56 (J.P.M.L. 1969) (concurring opinion) (discussion concerning criteria for transfer).

Rule 16.1 is duplicated in its entirety hereafter for your convenience.

RULE 16.1: HEARING SESSIONS AND ORAL ARGUMENT

(a) Hearing sessions of the Panel for the presentation of oral argument and consideration of matters taken under submission without oral argument shall be held as ordered by the Panel. The Panel shall convene whenever and wherever desirable or necessary in the judgment of the Chairman. The Chairman shall determine which matters shall be considered at each hearing session and the Clerk of the Panel shall give notice to counsel for all parties involved in the litigation to be so considered of the time, place and subject matter of such hearing session.

(b) Each party filing a motion or a response to a motion or order of the Panel under Rules 7.2, 7.3, 7.4 or 7.6 of these Rules may file simultaneously therewith a separate statement limited to one page setting forth reasons why oral argument should, or need not, be heard. Such statements shall be captioned "Reasons Why Oral Argument Should [Need Not] Be Heard," and shall be filed and served in conformity with Rules 5.12 and 5.2 of these Rules.

(c) No transfer or remand determination regarding any action pending in the district court shall be made by the Panel when any party timely opposes such transfer or remand unless a hearing session has been held for the presentation of oral argument except that the Panel may dispense with oral argument if it determines that:

- (i) the dispositive issue(s) have been authoritatively decided; or
- (ii) the facts and legal arguments are adequately presented in the briefs and record, and the decisional process would not be significantly aided by oral argument.

Unless otherwise ordered by the Panel, all other matters before the Panel, such as a motion for reconsideration, shall be considered and determined upon the basis of the papers filed.

(d) In those matters in which oral argument is not scheduled by the Panel, counsel shall be promptly advised. If oral argument is scheduled in a matter the Clerk of the Panel may require counsel for all parties who wish to make or to waive oral argument to file and serve notice to that effect within a stated time in conformity with Rules 5.12 and 5.2 of these Rules. Failure to do so shall be deemed a waiver of oral argument by that party. If oral argument is scheduled but not attended by a party, the matter shall not be rescheduled and that party's position shall be treated as submitted for decision by the Panel on the basis of the papers filed.

(e) Except for leave of the Panel on a showing of good cause, only those parties to actions scheduled for oral argument who have filed a motion or written response to a motion or order shall be permitted to appear before the Panel and present oral argument.

(f) Counsel for those supporting transfer or remand under Section 1407 and counsel for those opposing such transfer or remand are to confer separately prior to the oral argument for the purpose of organizing their arguments and selecting representatives to present all views without duplication.

(g) Unless otherwise ordered by the Panel, a maximum of twenty minutes shall be allotted for oral argument in each matter. The time shall be divided equally among those with varying viewpoints. Counsel for the moving party or parties shall generally be heard first.

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(h) So far as practicable and consistent with the purposes of Section 1407, the offering of oral testimony before the Panel shall be avoided. Accordingly, oral testimony shall not be received except upon notice, motion and order of the Panel expressly providing for it.

(i) After an action or group of actions has been set for a hearing session, consideration of such action(s) may be continued only by order of the Panel on good cause shown.